

1 DANIEL J. BERGESON, Bar No. 105439
 2 dbergeson@be-law.com
 3 MELINDA M. MORTON, Bar No. 209373
mmorton@be-law.com
 4 COLIN G. MCCARTHY, Bar No. 191410
cmccarthy@be-law.com
 5 BERGESON, LLP
 6 303 Almaden Boulevard, Suite 500
 7 San Jose, CA 95110-2712
 Telephone: (408) 291-6200
 Facsimile: (408) 297-6000

PUBLIC VERSION

7 Attorneys for Plaintiff
 8 VERIGY US, INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

14 VERIGY US, INC, a Delaware Corporation,
 15 Plaintiff,
 16 vs.
 17 ROMI OMAR MAYDER, an individual;
 18 WESLEY MAYDER, an individual; SILICON
 TEST SYSTEMS, INC., a California Corporation;
 and SILICON TEST SOLUTIONS, LLC, a
 19 California Limited Liability Corporation,
 inclusive,
 20 Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF COLIN G.
 MCCARTHY IN SUPPORT OF VERIGY'S
 MOTION TO COMPEL DISCOVERY
 REQUESTS FROM STS, INC. IN
 RESPONSE TO 2ND INTERROGATORIES
 and 1ST SET OF REQUESTS FOR
 ADMISSION**

Date: October 21, 2008
 Time: 10 a.m.
 Ctrm.: 2, 5th Floor
 Judge: Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007
 Trial Date: None Set

24 AND RELATED CROSS-ACTIONS

PUBLIC VERSION OF**CONFIDENTIAL DOCUMENT - SUBMITTED UNDER SEAL**

1 I, Colin G. McCarthy, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
 3 California. I am an associate in the law firm of Bergeson, LLP, counsel of record for plaintiff
 4 Verigy US, Inc. ("Verigy") in the above-captioned action. I have personal knowledge of the
 5 facts set forth in this declaration, and, if called to do so, I could and would competently testify
 6 thereto. I submit this declaration in support of Verigy's Motion To Compel Discovery Requests
 7 From Sts, Inc. in Response to 2nd Interrogatories.

8 2. Plaintiff Verigy has propounded various requests for discovery and STS, Inc. has
 9 failed and refused to provide responses to 23(b) - 32 of the 2nd Set of Interrogatories
 10 propounded by Verigy to STS, Inc.

11 3. Attached hereto and incorporated herein by reference as Exhibit A is a true and
 12 correct copy of Verigy's second set of interrogatories to Defendants.

13 4. I met and conferred by telephone with Tim Hale on September 9, 2008, regarding
 14 Defendants' response to Verigy's second set of interrogatories to Defendants. I had initially planned
 15 to discuss these interrogatories with Mr. Hale on September 4, 2008, but he deferred. Defendants
 16 refused to confirm, on September 9, 2008, that they would respond to Interrogatories 23(b) – 32 and
 17 stood on their subpart objections, although they agreed to revisit the issue. Mr. Hale had not advised
 18 if they would withdraw the objections by the deadline to file this motion.

19 5. Attached hereto and incorporated herein by reference as Exhibit B is a true
 20 and correct copy of STS, Inc's responses and objections to Verigy's 2nd Set of Interrogatories.

21 6. Defendants have also failed to provide responses to Requests for Admissions
 22 ("RFAs") Nos. 27-42 of the 1st Set of RFAs propounded by Verigy to STS, Inc. Mr. Hale
 23 agreed in the meet and confer discussion of September 5, 2008 that Defendants would respond
 24 to these requests, but they had not done so by the deadline to file this motion.

25 7. Attached hereto and incorporated herein by reference as Exhibit C is a true and
 26 correct copy of Verigy's first set of RFAs to Romi Mayder.

27 8. Attached hereto and incorporated herein by reference as Exhibit D is a true and
 28 correct copy of Romi Mayder's responses to the first set of RFAs from Verigy.

9. The total number of RFAs Verity has served to Defendants in this action is 42.

2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct and that this declaration was executed this 10th day of September,
4 2008 at San Jose, California.

/s/
Colin G. McCarthy

EXHIBIT A

CONFIDENTIAL

FILED UNDER SEAL

EXHIBIT B

**HIGHLY
CONFIDENTIAL**

**ATTORNEYS'
EYES ONLY**

FILED UNDER SEAL

EXHIBIT C

CONFIDENTIAL

FILED UNDER SEAL

EXHIBIT D

CONFIDENTIAL

FILED UNDER SEAL